

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 and 9-13 are pending in the application. Claims 1, 5, 6 and 9-13 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1-6 and 9-13 are rejected under 35 U.S.C. § 103(e) as anticipated by Garrity et al. (U.S. Pat. 6,230,205, Garrity) in view of Rodriguez (U.S. Pat. 7,340,759).

In response to this rejection, Applicants respectfully submit that amended independent Claims 1, 5-6 and 9 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1, for example, recites, in part, a content distribution method, comprising:

transmitting a menu from the reservation control apparatus to the distributor terminal apparatus ... the menu configured to display available service times to ***upload content from the distributor terminal apparatus to the distribution server ... and a service fee, availability, bandwidth and cost corresponding to each of the available service times ...***

Independent Claims 5, 6 and 9, while directed to alternative embodiments, are amended to recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 5, 6 and 9.

As depicted in an exemplary embodiment at Fig. 22, the reservation control apparatus (e.g., server reservation control center 101 in Fig. 12) is configured to transmit a menu to a client terminal, which displays available service times during which content may be uploaded

¹ e.g., specification at least at Figs. 12 and 22 and p. 29, ll. 6-24 and pp. 47-51.

from the distributor terminal apparatus to the distribution server, and a service fee, availability, bandwidth and cost corresponding to each of the available service times.

In rejecting the claimed features directed to “transmitting a menu from the reservation control apparatus to the distributor terminal apparatus”, the Office Action concedes that Garrity fails to teach “that the menu is configured to display available service times to distribute content using the distribution server and a service fee, availability, bandwidth and cost corresponding to each of the available service times.” In an attempt to remedy this deficiency, the Office Action relies on Rodriguez and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants claims. In response to this rejection, Applicants respectfully submit that Garrity even if combined with Rodriguez fail to teach or suggest the more detailed features directed to the menu, as clarified in amended independent Claims 1, 5, 6 and 9.

More particularly, Applicants respectfully submit that Garrity and Rodriguez fail to teach or suggest “transmitting a menu from the reservation control apparatus to the distributor terminal apparatus ... the menu configured to display available service times to ***upload content from the distributor terminal apparatus to the distribution server ... and a service fee, availability, bandwidth and cost corresponding to each of the available service times***”, as recited in amended independent Claim 1.

In rejecting the claimed features directed to the information displayed by the menu, the Office Action relies on col. 18, ll. 23-55 of Rodriguez. This cited portion of Rodriguez describes a video-on-demand (VOD) system in which a bandwidth allocation manager 125 determines a bandwidth allocation schedule based on allocation criteria comprising a subscriber reservation request. The subscriber reservation request is a request initiated by the subscriber to view a particular service at a particular time in the future. A digital home communication terminal (DHCT) 14 includes a VOD reservation application

that allows a user to select video content from a catalog of available services and to select the date and time that they wish to view the video. In addition, the reservation application may display the fees and/or price criteria associated with the reservation viewing options.

Thus, Rodriguez describes a display at a DHCT (e.g. home set-top box) that allows a subscriber to see costs associated with receiving specific content from the VOD system. Independent Claim 1, in contrast, is amended to specify that the “menu ... display[s] available service times to ***upload content from the distributor terminal apparatus to the distribution server*** ... and a service fee, availability, bandwidth and cost corresponding to each of the available service times”. In other words, the claims are amended to specify that that information displayed by the menu is information associated with a service fee, availability, bandwidth and cost corresponding an ***upload of data*** from the distributor terminal apparatus to the distribution server, and not the cost associated with downloading the content from the distribution server, as in Rodriguez.

Moreover, while Rodriguez does describe that a bandwidth allocation manager 125 determines a bandwidth allocation schedule based on allocation criteria comprising a subscriber reservation request, the reference fails to teach or suggest that any information related to the bandwidth is displayed to the user in the form of a menu. Instead, Rodriguez describes that the bandwidth allocation schedule is determined based on a subscriber request, and fails to teach or suggest that any bandwidth is displayed to the user in the form of a menu.

Therefore, Garrity and Rodriguez, neither alone, nor in combination, teach or suggest “transmitting a menu from the reservation control apparatus to the distributor terminal apparatus ... the menu configured to display available service times to ***upload content from the distributor terminal apparatus to the distribution server*** ... and ***a service fee, availability,***

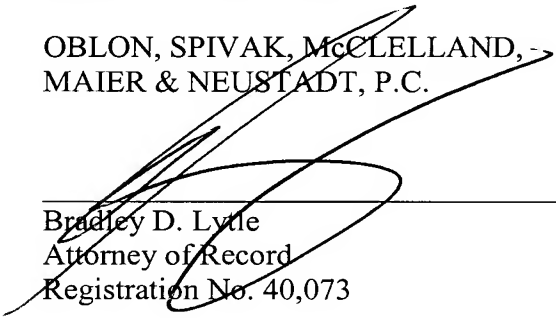
bandwidth and cost corresponding to each of the available service times", as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 2-4 and 11, which depend therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 5, 6 and 9 (and the claims that depend therefrom) also patentably define over Garrity and Rodriguez.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6 and 9-13 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Andrew T. Harry
Registration No. 56,959